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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 THOMAS BRANAGAN,

9 Petitioner,

2:15-cv-01575-GMN-PAL

10 vs.

ORDER

11 DWIGHT NEVEN, *et al.*,

12 Respondents.
13 _____/

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15 This action is a petition for writ of habeas corpus. On August 17, 2015, the petitioner,
16 Thomas Branagan, submitted an application to proceed *in forma pauperis* (ECF No. 1).

17 On August 19, 2015, finding Branagan able to pay the filing fee, the court denied his
18 application to proceed *in forma pauperis*, and ordered him to pay the filing fee within 30 days.
19 The court stated that failure to comply with that order would result in the dismissal of this action.
20 Branagan did not pay the filing fee in the time allowed. Therefore, on September 30, 2015, the court
21 dismissed this action, and judgment was entered accordingly (ECF No. 4, 5)

22 On October 22, 2015, Branagan filed what the court construed to be a motion for relief from
23 judgment, pursuant to Federal Rule of Civil Procedure 60(b) (ECF No. 6). In that motion, Branagan
24 stated that he attempted to pay the filing fee, but was unable to do so, and he requested additional
25 time to pay the filing fee. On November 2, 2015, the court granted Branagan's motion, and ordered
26 the judgment vacated (ECF No. 7). The court granted Branagan more than two more months -- to

1 January 8, 2016 -- to pay the filing fee. The court stated that if he was no longer able to pay the
2 filing fee, Branagan could file a new application to proceed *in forma pauperis*. The court warned
3 that failure to comply with that order, within the time allowed, would result in dismissal of this
4 action.

5 Branagan did not, by January 8, 2016, pay the filing fee or file a new application to proceed
6 *in forma pauperis*. In fact, since the November 2, 2015 order, Branagan has taken no further action
7 at all with respect to this case. Therefore, the case will be dismissed.

8 **IT IS THEREFORE ORDERED** that this action is **DISMISSED** without prejudice.

9 **IT IS FURTHER ORDERED** that the petitioner is denied a certificate of appealability.

10 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

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12 Dated this 22 day of February, 2016.

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15 UNITED STATES DISTRICT JUDGE
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